

REMARKS

A non-final office action, which was mailed June 13, 2007, rejected pending claims 1-48. In this Amendment, Applicants amend independent claim 1 to incorporate the element of now canceled claim 48, cancel claim 48 and non-elected claims 49-53, and rewrite dependent claims 15 and 43 as new independent claims 54 and 55. As such, claims 1-47, 54 and 55 remain pending, with claims 1, 54, and 55 in independent form. Applicants respectfully request the Examiner's reconsideration of the outstanding rejection in view of the arguments set forth in this response.

Claim Rejections – 35 USC 102

The office action rejected claims 1-3, 5-9, 14-23, 25-32, and 34-47 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. 6,574,497 to Pacetti ("Pacetti"). Independent claim 1 has been amended to incorporate the element of now-canceled claim 48, according this rejection is now moot in regards to pending claims 1-47.

With regard to new independent claim 54, which has the same scope as dependent claim 15 had prior to this amendment, Pacetti does not disclose first and second MRI processes using the same frequency but different magnetic field strengths. Pacetti's discussion of using different scans only discusses using interleaved scans at different frequencies, not different magnetic field strengths. (See Pacetti, col. 7, lines 64-66). Accordingly, the rejection of claim 15 as anticipated by Pacetti was in error and new independent claim 54 should be allowed.

With regard to new independent claim 55, which has the same scope as dependent claim 43 had prior to this amendment, Pacetti does not disclose a medical device including "perfluoro-[15]-crown-5-ether." Furthermore, the Examiner has not explained how Pacetti could be said to disclose this compound. Furthermore, a review of the sections of Pacetti referred to by the Examiner do not reveal a disclosure of the specific materials claimed in claims 37, 43-46, and 55. Accordingly, the rejection of claim 43 as anticipated by Pacetti was in error and new independent claim 55 should be allowed.

Claim Rejections – 35 USC 103

The office action also rejected claim 48 as obvious under 35 U.S.C. § 103(a) as being unpatentable over Pacetti in view of U.S. Pat. Pub. 2002/0101241 to Chui (“Chui”). This rejection is in error and should be withdrawn. Accordingly, independent claim 1, which has incorporated the elements of now-canceled claim 48, should be allowed.

As admitted by the Examiner, Pacetti does not disclose “a receiver coil of a medical device.” (Office Action, page 4, lines 18-19). The Examiner, however, alleges that it would have been obvious to one with ordinary skill in the art at the time of invention to incorporate the RF internal receiving coil disclosed by Chui “in order to enhance MR imaging.” Pacetti, however, teaches away from the use of the receiving coil of Chui stating that “[t]he significance of this invention is that it provides for a passive tracking mechanism to visualize devices under MRI. This scheme using fluorine nuclei involves no wires, circuits, connections, or moving parts.” (Pacetti, col. 7, lines 12-15). Accordingly, one having ordinary skill in the art at the time of invention would not have found it obvious to modify the medical device of Pacetti by including the internal receiving coil of Chui because Pacetti specifically teaches against the use of “wires, circuits, connections, or moving parts.” Accordingly, the rejection of claim 48 as unpatentable over Pacetti in view of Chui was in error and claim 1 should be allowed.

Furthermore, the rejections of claims 4 and 10-13 as obvious under 35 U.S.C. § 103(a) as being unpatentable over Pacetti and claim 33 as obvious under 35 U.S.C. § 103(a) as being unpatentable over Pacetti in view of U.S. Pat. 5,817,017 to Young et al. (“Young”) are also moot.

Conclusion

Applicants submit that claims 1-47, 54, and 55 are in condition for allowance, and requests that the Examiner issue a Notice of Allowance.

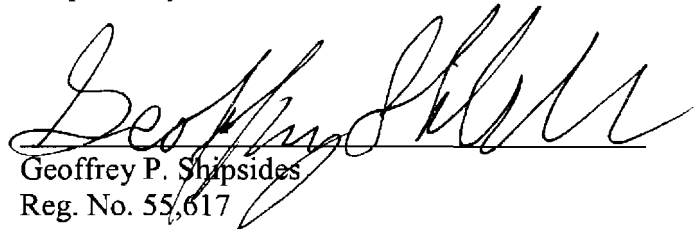
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above

may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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